

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Magistrate Docket No.

Plaintiff,

BY: *A*

COMPLAINT FOR VIOLATION OF:

v.

DEPORT
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

Defendant

The undersigned complainant, being duly sworn, states:

On or about **January 14, 2008** within the Southern District of California, defendant, **Juan MARTINEZ-Peralta** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

James Trombley
SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16th DAY OF JANUARY 2008.

Nita L. Stormes
Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Juan MARTINEZ-Peralta

cc

PROBABLE CAUSE STATEMENT

On January 14, 2008, Border Patrol Agent D. E. Landers was performing line watch duties in the Campo, California area of responsibility. Agent Landers was working in an area located approximately eight miles east of the Tecate, California Port of Entry and approximately ten miles north of the United States/Mexico International Boundary. Agent Landers came across footprints leading into the brush and followed them discovering 11 suspected illegal aliens hiding in the brush. Agent Landers identified himself as a United States Border Patrol Agent and proceeded to question the individuals as to their citizenship and immigration status, to include one of the individuals later identified as defendant **Juan MARTINEZ-Peralta**. All eleven admitted to having entered the United States without any immigration or travel documents that would allow them to enter or remain in the United States legally. At approximately 9:30 p.m., all eleven were arrested and transported to the Campo Border patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on July 9, 2004** through **Calexico, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.